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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA  
and STATE OF CALIFORNIA, on  
behalf of CALIFORNIA  
DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL,  
Plaintiffs,  
v.  
MONTROSE CHEMICAL CORP.  
OF CALIFORNIA, et al.,  
Defendants.

Case No. 2:90-cv-03122 (DOC) (GJS)

**JOINT STATUS REPORT**

Judge: Hon. David O. Carter

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**A. INTRODUCTION**

The Parties to this case, Plaintiffs the United States of America and the State of California on behalf of the California Department of Toxic Substances Control (“DTSC”) (collectively “Plaintiffs”), and Defendants Montrose Chemical Corporation of California (“Montrose”), Bayer CropScience Inc., Stauffer Management Company LLC, and TFCF America, Inc. (collectively “Settling Defendants”), hereby submit a joint status report regarding the Montrose Chemical Corp. Superfund Site (“Site”), as directed by the Court (ECF No. 3092).

**B. BACKGROUND**

On September 30, 2021 (ECF Nos. 3073 and 3074), the Court entered the three Consent Decrees that resolved the active litigation and secured Settling Defendants’ commitment to perform cleanup and investigation work valued at over \$77 million, as well as to make payments of over \$8 million for past response costs incurred by the US and DTSC. These Consent Decrees are:

- the “O&M Consent Decree” (ECF Nos. 3087, 2987), which commits the Settling Defendants (together with one other settling defendant who is not a party to the case) to perform long-term operation and maintenance (O&M) of the Chlorobenzene Plume groundwater remedy at the Dual Site Operable Unit of the Montrose Site;
- the “DNAPL Consent Decree” (ECF Nos. 3088, 3050), which commits the Settling Defendants to perform the cleanup of DNAPL (dense non-aqueous phase liquid) contamination that rests primarily under the footprint of the former Montrose plant property; and
- the “Southern Pathway Consent Decree” (ECF Nos. 3089, 3054), which commits the Settling Defendants to perform the Remedial Investigation and Feasibility Study in the Southern Pathway portion of the Site, also known as the “Historic Stormwater Pathway – South.”

**C. JOINT STATUS UPDATE**

Work is proceeding smoothly under all three Consent Decrees. The Settling Defendants have timely met all deadlines to date, including, among others, the payment of past response costs, the establishment of financial assurance, and the completion of tasks and submission of deliverables required under the three Consent Decrees. There have been no disputes raised by any party under any of the Consent Decrees.

A brief summary for each of the three Consent Decrees is provided below.

**1. O&M Consent Decree:**

The groundwater treatment system has been operating continuously, except for planned maintenance shutdowns and one instance of unexpected equipment failure. The system has treated 222 million gallons of groundwater and removed approximately 53,500 pounds of contaminants. The groundwater treatment system is currently operating as part of functional testing under the previously entered Construction Consent Decree (ECF No. 2731-2); final testing and repair work are expected to be completed by mid-2023, after which long-term operation and maintenance will proceed under the O&M Consent Decree.

The Settling Defendants have made their past response costs payments to the US and DTSC and have established financial assurance as required by this Consent Decree. As required by the Consent Decree, Montrose has submitted an O&M workplan and a monitoring and aquifer compliance workplan, which are under EPA review. Montrose has also submitted other required plans and reports, including a first annual monitoring and aquifer compliance report, waste determination technical memoranda, a well replacement workplan, a health and safety plan, emergency response plan, field sampling plan, and others. The parties are working on the O&M workplans now, while functional testing continues, so that operation of the groundwater treatment system can transition into long-term operation and maintenance as soon as testing and repair work activities are

1 completed. However, even today the treatment system is treating groundwater  
2 contaminants consistent with EPA's Record of Decision (App. A to the O&M  
3 Consent Decree).

4 2. DNAPL Consent Decree:

5 The Settling Defendants have made their past response costs payments to the  
6 US and DTSC and have established financial assurance as required by the Consent  
7 Decree. Following the successful pilot test of the electrical resistance heating  
8 (ERH) remedy, Montrose has been performing targeted soil vapor extraction  
9 (SVE) at the former Montrose property. Since initiation of the pilot test in 2016,  
10 more than 24,000 gallons of DNAPL and 231,000 pounds of volatile organic  
11 compounds have been removed. EPA has approved Montrose's design for the full-  
12 scale SVE system, and Montrose began installing the full-scale SVE equipment in  
13 June 2022. For the ERH component of the remedy, Montrose submitted a draft  
14 workplan for design and installation of the ERH system, and EPA provided  
15 extensive comments. The parties are working together in an effort to resolve  
16 EPA's comments on the workplan. Once the workplan is approved and the Los  
17 Angeles Department of Water and Power installs additional electrical equipment to  
18 power the ERH system, Montrose will initiate ERH system construction activities.  
19 In the meantime, the existing targeted SVE system continues to operate and  
20 remove contamination.

21 3. Southern Pathway Consent Decree:

22 The Settling Defendants have made their past response costs payments to the  
23 US and DTSC and have established financial assurance as required by the Consent  
24 Decree. EPA and Montrose worked together to secure access to residential  
25 properties for the soil sampling required for the Consent Decree's Remedial  
26 Investigation. EPA sent mailers and organized a neighborhood virtual community  
27 meeting. EPA and Montrose conducted door-to-door outreach to residents, and the  
28 majority of residents have agreed to provide access for sampling. Where access to

1 residential properties could not be obtained, Montrose will obtain an encroachment  
2 permit from Los Angeles County to install replacement borings to sample in public  
3 road rights-of-way, as provided in the Consent Decree. Soil sampling is scheduled  
4 to begin in the fourth quarter of 2022 after the County issues the permit. In  
5 addition, Settling Defendants have submitted drafts of the required deliverables  
6 supporting this work: a workplan that includes a field sampling plan, quality  
7 assurance plan, and health and safety plan. EPA provided comments on these  
8 deliverables, and the Parties are working together to resolve EPA's comments,  
9 with only a few comments left to address.

10 4. Other issues:

11 The Parties continue to work toward a final Feasibility Study for the Soils  
12 operable unit at the Site. Montrose is currently revising a draft Feasibility Study,  
13 incorporating EPA comments on a previous preliminary draft, and anticipates  
14 submitting a revised draft Feasibility Study for EPA review in fall of 2022. The  
15 Feasibility Study is part of the CERCLA-mandated process for identifying and  
16 evaluating remedial options, and is a necessary step in the process of EPA's future  
17 selection of a remedy for the Soils operable unit.

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20 Respectfully submitted,

21 **FOR MONTROSE CHEMICAL**  
22 **CORPORATION OF CALIFORNIA:**

23  
24 Dated: August 16, 2022

/s/ Kelly E. Richardson

Kelly E. Richardson

John T. Ryan

Benjamin D. Gibson

LATHAM & WATKINS LLP

**FOR THE UNITED STATES OF AMERICA:**

TODD KIM  
Assistant Attorney General

Dated: August 16, 2022

By: /s/ Deborah A. Gitin  
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Environmental Enforcement Section  
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United States Department of Justice

**FOR THE CALIFORNIA  
DEPARTMENT OF TOXIC  
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Dated: August 16, 2022

/s/ Megan Hey  
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Dated: August 16, 2022

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Dated: August 16, 2022

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/s/ J. Wylie Donald  
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**ATTESTATION**

I hereby attest that all other signatories listed, and on whose behalf  
this filing is submitted, concur in the filing's content and have authorized this  
filing.

Dated: August 16, 2022

/s/ Kelly E. Richardson  
KELLY E. RICHARDSON